

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANDREW MARSHELLO, :
Plaintiff, : 21 Civ. 7936 (LGS)
-against- : ORDER
CITY OF NEW YORK, et al., :
Defendants. :
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LORNA G. SCHOFIELD, District Judge:

WHEREAS, Defendant City of New York removed this action from the Supreme Court of the State of New York, County of New York, on September 23, 2021. (Dkt. No. 1.)

WHEREAS, in the Notice of Removal, Defendant City of New York stated, “[u]pon information and belief,” that Defendant City of New York was served with the Complaint on August 31, 2021. Defendant City of New York further stated that an affidavit of service on the state docket indicated that Defendant Police Officer Vargas was served with the Complaint on September 9, 2021. (Dkt. No. 1.)

WHEREAS, on September 24, 2021, Defendant City of New York filed an affidavit of service indicating that Plaintiff and Defendant Police Officer Vargas were served with the Notice of Removal on September 23, 2021.

WHEREAS, on September 24, 2021, the Court issued a Notice of Participation in Local Civil Rule 83.10, which sets the deadline to answer or otherwise respond to the Complaint as eighty days post-service of a Section 160.50 Release and sets specified discovery deadlines.

WHEREAS, Defendant City of New York has appeared, but Defendant Police Officer Vargas has not appeared.

WHEREAS, Defendants have not answered or otherwise responded to the Complaint. It is hereby

ORDERED that, by **December 6, 2021**, Plaintiff shall serve Defendants with a Section 160.50 Release and file proof of service. It is further

ORDERED that, by **December 10, 2021**, counsel to the City of New York shall file a letter informing the Court whether they intend to appear on behalf of Defendant Police Officer Vargas.

Dated: November 30, 2021
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE